



## TOWN OF ARLINGTON

730 Massachusetts Ave.  
Arlington, MA 02476  
781-316-3012

### ARLINGTON CONSERVATION COMMISSION

## Notice of Intent (NOI) Preparation and Filing Instructions

Notify the Arlington Conservation Office (781-316-3012, email [concomm@town.arlington.ma.us](mailto:concomm@town.arlington.ma.us)) when you intend to file for a permit to do work under the State of Massachusetts Wetlands Protection Act (hereafter "Act") and/or the Town of Arlington Bylaw for Wetland Protection (hereafter "Bylaw") for a pre-filing consultation and hearing date. The applicant will be assigned a date, time, and location for the public hearing so this information may be incorporated into the abutters notification which, according to the Act, must be mailed the day of filing at the Conservation Commission. The Act, its regulations, forms, and instructions are available from the Department of Environmental Protection (DEP) at 617-654-6500 or at <http://www.mass.gov/eea/agencies/massdep/service/approvals/wpa-form-3.html>.

These same forms are used for filing under the By-Law. The link for the Massachusetts Wetlands Protection Act is <http://www.mass.gov/legis/laws/mgl/131-40.htm> and the Massachusetts Wetlands Protection Act Regulations is <https://www.mass.gov/regulations/310-CMR-1000-wetlands-protection-act-regulations>. Arlington's Wetland Protection Bylaw and Regulations are available at <https://www.arlingtonma.gov/town-governance/all-boards-and-committees/conservation-commission/regulations>.

## Filing and Public Hearing Procedures

### Forms to File:

Review the Act and its Regulations and the Bylaw and its Regulations to determine which form should be used for the proposed project: Request for Determination of Applicability (hereafter RDA), Notice of Intent (hereafter NOI), or Abbreviated Notice of Intent (hereafter ANOI). Since the Act and the Bylaw are administered concurrently by the Commission, it is only necessary to complete one application form when filing under both laws. Note that copies of some forms must also be filed with the State Department of Environmental Protection (DEP) in order to obtain a file number. A file number is needed for the Commission to issue a permit decision.

### Additional Materials:

After review by the Conservation Commission and staff, additional material may be requested prior to the public meeting. If there is time, it may be incorporated into the plan and information. Additional information may also be requested by the Commissioners as a result of the presentation at the public hearing.

Omission of information at any stage may require that the public hearing be continued pending receipt of the information. If the applicant fails to provide the requested information, the Commission may deny the permit.

### **Public Hearing:**

A public hearing is held for each filing where the application is presented to the Commission and the public by the applicant and/or representative(s). The plans for the presentation should be colored/shaded so pertinent features are clearly visible to the Commission and the public. As required by law, notice of this hearing is given as follows:

1. Notification to Abutters by Applicant - As required in the Act and Bylaw, notification of the public hearing must be mailed, at the expense of the applicant, to all abutters within 100 feet of the work area, the day of filing the application. A certified abutters list must be obtained from the Town Assessor's Office.

\*If filing an NOI or ANOI, abutters must be notified via certified mail, however, if filing an RDA, notification via regular mail is sufficient.

2. Legal Notice - Notice of the date, time, and place of the public hearing on the application must be placed in a newspaper of local circulation by the Conservation Commission at the expense of the applicant. Notice must be posted at least five business days before the date of hearing.

### **Schedule Planning:**

Public Hearing - The Commission meetings are generally held every first and third Thursday of each month. Check with the Conservation Commission at 781-316-3012 or email concomm@town.arlington.ma.us for the meeting schedule. Copies of the application must be filed with the Commission at least 10 business days before the meeting at which the project is scheduled to be presented.

### **Responsibilities of Applicant**

#### **Notice of Intent submittal shall include 9 paper copies of the following:**

1. WPA Form 3-found here: <https://www.mass.gov/how-to/wpa-form-3-wetlands-notice-of-intent>;
2. Project Narrative, to include a description of: the project site, the proposed activity, any supporting data and calculations such as soils test data, drainage calculations, wetlands boundaries, proposed earth moving, impervious cover area, etc. Within the narrative, make sure to explicitly address how this work supports Climate Change Resilience standards in Section 31 of the Arlington Wetlands Protection Regulations;
3. Development plans (depending on scale of project, they must be stamped by a certified engineer or land surveyor) to include (when applicable):
  - Property boundaries, easements, rights-of-way, etc.;
  - Boundaries of 25-ft, 50-ft, 75-ft, and 100-ft from the resource area
  - Boundaries of the 100-ft Wetlands Buffer Zone, including locations of field flags (if applicable);
  - Boundaries of the 200-ft Riverfront Area Buffer Zone;
  - Base Flood Elevation or floodplain boundaries;
  - Existing and proposed topography, structures, and other physical features (walls, paths, trees, wells, drainage and utility lines, etc.);

- Erosion Controls (silt fence and compost wattle)-only applicable in a Riverfront Area or Wetlands Buffer Zone;
4. A Topographic map of Arlington with project site clearly marked, search property here: <https://viewer.nationalmap.gov/advanced-viewer/>; or here: <https://ngmdb.usgs.gov/topoview/viewer/#4/40.01/-100.06> ;
  5. A FEMA floodplain map, download "Dynamic Map" here: <https://msc.fema.gov/portal/home>;
  6. Site photos, clearly showing where the project will occur and its relation to any resource areas;
  7. An electronic copy of all documents submitted
  8. The NOI Filing Documents, also emailed to you. This includes:
    - Bylaw Filing Fees and Transmittal Form
    - Abutter Notification Model (revised with information given by the Agent during pre-filing meeting or over the phone/email). Revise this model document based on project specific information
    - Affidavit of Service
    - Legal Notice Charge Authorization Form (the Agent will prepare the Legal Notice and you will be billed directly by the Arlington Advocate based on their cost-per-word fees)
  9. A check payable to "Town of Arlington" for filing fees
  10. Filing fee for the State

**Site Flagging Prior to Filing and the Public Hearing (if necessary):**

It is useful to have flagged stakes installed at the project site for the Commission's site visit to mark the following features:

- 1) the wetland boundary with the flags numbered corresponding to the numbers shown on the plan; and
- 2) the corners of proposed buildings and drainage systems and delineation of roadways nearest the protected resource areas, with the location noted on the flags to correspond to the plan.

**MA National Heritage & Endangered Species Program(if necessary):**

A copy of the current Estimated Habitats of Rare Wetlands Wildlife & Certified Vernal Pools Map for Arlington is available for review in the Conservation Commission (781-316-3012, email [concomm@town.arlington.ma.us](mailto:concomm@town.arlington.ma.us)). If applicable, mail the Notice of Intent (or Abbreviated Notice of Intent) to: Natural Heritage and Endangered Species Program, Massachusetts Division of Fisheries and Wildlife, 1 Rabbit Hill Road, Westborough, MA 01581.

**US Army Corp of Engineers Permit (if necessary):**

If applicable, submit a copy of the Notice of Intent.

**401 Water Quality Certification (if necessary):**

Required on notification from DEP.

**DEP Division of Waterway M.G.L. 91 License (if necessary):**

Required on notification from DEP or Arlington Conservation Commission.

**Stormwater Management Form (if necessary):**

To ensure that proposed stormwater control designs meet the Arlington Engineering Division's Stormwater Management Standards and the DEP's Stormwater Management Policy (see further explanation on the form).

**Drainage Calculations (if necessary):**

If applicable, provide drainage calculations to support systems or design features proposed to mitigate impact on the wetlands to comply with the Arlington Engineering Division's Stormwater Management Standards and the DEP's Stormwater Management Policy.

**The Decision**

The Commission shall make a decision on the NOI based on information and material filed, the site visit, and information presented at the meeting. If more information is needed, the meeting may be continued in compliance with applicable State and Town laws. If the applicant fails to provide the requested information, the Commission may deny the permit. A file number and any comments from DEP must be received in order for the permit to be issued. The decision shall be issued within 21 days of the closing of the public hearing.

**Plans: Required Format and Information****Plan(s)**

1. Topographic plan prepared by an engineer, land surveyor, or landscape architect registered in Massachusetts showing existing conditions.
2. Site analysis plan, if topography is very irregular.
3. If more than two sheets are required to detail the proposed work, provide cover sheet showing a composite of all work proposed and an index of the sheets.

**Format and Information**

1. Scale - no smaller than 1" = 20'.
2. Sheet Size - 8-1/2" X 11" to 24" X 36". Larger sheets may be used for complex large projects.
3. Title Block - located in the right-hand corner or on the right side, shall incorporate name and address of the project; name of the property owner or applicant; name, address, and imprint of the professional consultant responsible for the preparation of each sheet; date and revision date (if any); and sheet title and number.
4. Other - north arrow, graphic scale, a legend defining signs and symbols used on the plan and not otherwise explained; revision date chart; location of ground water borings and the soil profile resulting from borings.
5. Plan Graphics - existing conditions screened or lighter with topographic contours shown as dashed lines; proposed conditions clearly differentiated from the existing conditions by use of heavier or bold lines with topographic contour changes shown in solid lines. The contour lines

must correspond to known elevations on existing bench marks and to the existing and proposed grades of streets. Please also include utility lines (water, sewer, etc.) imposed onto all plans.

6. Delineate the following:

a)Wetland boundary, showing flags numbered to correspond with numbered flags installed at the site; b) 1% Annual Chance Flood Hazard boundary; c) the boundaries of 25-ft, 50-ft, 75-ft, and 100-ft from the resource area; d) 200 foot Riverfront Area; e) the erosion control barrier; f) the limit-of-work line or note if the same as the erosion control barrier; g) recorded easements or restrictions on or crossing the property and location of proposed conservation restrictions noting the total restricted area; and h) streets abutting the project, their grades, and the utilities to which connections are proposed.

7. Details of following (if applicable):

a)utilities and systems pertaining to mitigating stormwater runoff to comply with DEP's Stormwater Standards1-9 and other drainage systems; and b) erosion control barriers and limits of work.

8. Elevations or sections of buildings, retaining wall or other structures, or landscaping to define design approach to wetland protection.

9. Stamped Certification from a Land Surveyor, Architect, Landscape Architect, or Civil Engineer, acceptable to the Building Department.